

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shania Roach	Team: Team # 1	CCRB Case #: 201406792	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/29/2014 12:34 AM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 12/29/2015	EO SOL 12/29/2015	
Date/Time CV Reported Sun, 06/29/2014 12:34 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/07/2014 1:54 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jorge Sanabria	27752	953362	073 PCT
2. POM Jonathan Taveras	30195	953469	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jorge Sanabria	Force: PO Jorge Sanabria used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Jonathan Taveras	Force: PO Jonathan Taveras pointed his gun at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POM Jonathan Taveras	Discourtesy: PO Jonathan Taveras spoke discourteously to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

Case Summary

On June 29, 2014, at approximately 12:35 a.m., PO Jorge Sanabria and PO Jonathan Taveras of the 73rd Precinct responded to a dispute at § 87(2)(b) in Brooklyn. After responding to the location, § 87(2)(b) assaulted § 87(2)(b) in front of PO Sanabria and PO Taveras. § 87(2)(b) alleged that PO Sanabria grabbed § 87(2)(b) by the arm and threw her to the ground (**Allegation A**). While § 87(2)(b) struggled with PO Sanabria, § 87(2)(b) and § 87(2)(b) all pushed PO Sanabria. Although § 87(2)(b) alleged that PO Sanabria pointed his gun at him and § 87(2)(b) (**Allegation B**) and said, “Get the fuck back.” (**Allegation C**) The investigation determined that PO Taveras was the subject of these allegations. § 87(2)(a) [REDACTED] [REDACTED] and § 87(2)(b) were charged with § 87(2)(b) (encl. D 10-22).

Mediation, Civil and Criminal Histories

This case was not eligible for mediation. § 87(2)(a) 160.50, § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The request for the notice of claim was sent on October 14, 2014 and is pending.

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) (encl. A3).
- PO Sanabria has been a member of the NYPD for two years and there is one substantiated CCRB allegation against him (encl. A1).
 - In CCRB case # 201401080 a vehicle search allegation was substantiated against PO Sanabria. The CCRB recommended a command discipline and the NYPD disposition and penalty are pending.
- PO Taveras has been a member of the NYPD for two years and there are no substantiated CCRB allegations against him (encl. A2).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) alleged that PO Sanabria pushed his mother to the ground, pointed his gun at him and § 87(2)(b) and told them to, “Get the fuck back.” During § 87(2)(b)'s phone statement, she alleged that TO Taveras was the officer who pointed his gun during the incident (encl. B5). During the officer interviews, PO Sanabria denied the allegations but PO Taveras admitted to drawing his weapon and instructing the men to get back; therefore, the gun pointed and discourtesy allegation were pled against PO Taveras.

Recommendations

Allegation A- PO Jorge Sanabria used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after § 87(2)(b) slapped § 87(2)(b) in the face in front of the officers, PO Sanabria grabbed her by the arm and pushed her, face down, to the ground. Once § 87(2)(b) was on the ground she resisted being handcuffed by yelling, flailing her arms and kicking her legs (encl. C 2-3). During a phone statement, § 87(2)(b) admitted to striking § 87(2)(b) in the face and after she did, PO Sanabria pushed her to the ground (encl. B5). During § 87(2)(b)'s phone statement, he alleged that several officers pushed § 87(2)(b) to the ground (encl. B6).

PO Sanabria stated that after § 87(2)(b) punched § 87(2)(b) in the face, charged towards her and threw punches at her, he grabbed her arm in an attempt to stop her from attacking § 87(2)(b) but § 87(2)(b) resisted by throwing punches at him. Because § 87(2)(b) resisted being handcuffed, PO Sanabria struggled with her for several minutes by trying to grab her arms and put them behind her back. PO Sanabria never threw § 87(2)(b) to the ground during the struggle and at no point during the incident was § 87(2)(b) on the ground. PO Sanabria handcuffed § 87(2)(b) as she stood with her chest against the wall (encl. D 24-25). PO Taveras did not know if PO Sanabria threw § 87(2)(b) to the ground because he was struggling with § 87(2)(b) and § 87(2)(b) (encl. D 33-34).

It is undisputed that § 87(2)(b) assaulted § 87(2)(b) in front of the officers and according to § 87(2)(b) PO Sanabria, and PO Taveras, § 87(2)(b) resisted arrest. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B- PO Jonathan Taveras pointed his gun at § 87(2)(b) and § 87(2)(b)

Allegation C- PO Jonathan Taveras used discourteous language against § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that after he, § 87(2)(b) and § 87(2)(b) pushed PO Sanabria several times in an attempt to get him off of § 87(2)(b) PO Sanabria pointed his gun at § 87(2)(b) and § 87(2)(b) and told them to, “Get the fuck back.” (encl. C 2-3). During § 87(2)(b)'s phone statements, she alleged that PO Taveras pointed a gun in § 87(2)(b)'s face (encl. B5) and § 87(2)(b) alleged that the officers pointed a gun at him (encl. B6).

PO Taveras stated that after one of the men grabbed his arm and pulled it behind his back while the other man tugged at his belt near where his gun was, PO Taveras pulled away from the men, drew his firearm, pointing it downward, and instructed the men to, “Get back.” PO Taveras denied pointing his firearm at anyone and further stated that there was no space between him and the men for him to raise his arm to point his firearm because the men were so close to him. PO Taveras added that it would be a tactical disadvantage for him to point his gun with the men being so close because they could grab it away from him. PO Taveras denied saying, “Get the fuck back,” to § 87(2)(b) and § 87(2)(b) (encl. D 33-34). PO Sanabria never saw PO Taveras draw or point his firearm during the incident nor did he hear PO Taveras use any discourteous language (encl. D 24-25).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date